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Approved For Release 2005/06/02 : CIA-RDP77M00144R001100180026-6

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

EXTENSION

NO.

DATE

16 October 1975

TO: (Officer designation, room number, and building)

DATE

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OFFICER'S
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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. DDO ✓

2. DDA ✓

3. OGC ✓

4. CCS ✓

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Several bills before the House Committee on Post Office and Civil Service would establish compulsory union bargaining for Federal employees when a majority of an agency's employees vote for union representation. In some of the bills the vote would be scheduled when 30 percent of the employees certified their wish to be represented by a union for collective bargaining purposes. The most far-reaching of the bills would legalize strikes by Federal unions; others set up arbitration proceedings when an impasse is reached. Only one of the bills would exempt CIA and other national security-type agencies. The subcommittee considering these proposals will draft its own bill by picking and choosing the provisions it likes best from the bills presently before it. The subcommittee staff is unable to predict whether the subcommittee's bill would exempt CIA. We need to get to the subcommittee within the next month with our best arguments on why CIA must be excluded from the scope of the subcommittee's bill. Apparently some form of bill permitting unions is inevitable from the subcommittee, so we must focus on why employee unions are inappropriate for CIA. Will you please provide me with arguments on this point by 24 October if possible. Thank you.

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FORM
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**COMMITTEE ON
POST OFFICE AND CIVIL SERVICE
House of Representatives**

DAVID N. HENDERSON, *Chairman*
94th CONGRESS

**A COMPARISON OF EXECUTIVE ORDER 11491, AS
AMENDED, TO H.R. 4800 AS REVISED, COMMITTEE
PRINT, NOVEMBER 1975 (MR. HENDERSON), H.R. 13
(MR. NIX), AND H.R. 1837 (MR. FORD)**

SUBCOMMITTEE ON MANPOWER AND CIVIL SERVICE

NOVEMBER 10, 1975

(This comparison of Executive Order 11491, as amended, to bills on Federal Labor Management Relations is based on an analysis prepared by the Office of Labor-Management Relations, U.S. Civil Service Commission, and is adequate for denoting similarities and differences between the order and proposed legislation. The House Manpower and Civil Service Subcommittee is distributing the comparison for the purpose of informing interested persons in a readily concise format of the subject matter.)

Comparison of Executive Order 11491, as Amended, to Bills on Federal Labor Management Relations

TITLE			
Executive Order 11491, as amended by E.O. 11838	H.R. 4800 (Henderson) as revised, Committee Print, November 1975	H.R. 13 (Nix)	H.R. 1837 (Ford)
Labor-Management Relations in the Federal Service.	Federal Service Labor-Management Act of 1975 (To amend so much of subpart F of part III of title 5, U.S.C., as precedes subchapter II of chapter 71.)	Federal Employee Labor-Management Act of 1975.	Federal Employee Labor-Management Act of 1975.
PURPOSE			
Public interest requires high standards of employee performance and modern work practices to improve employee performance and efficiency. Efficient administration and employee well-being require orderly and constructive relationships between labor organizations and management officials. Clear statement of respective rights and obligations needed.	To provide a statutory base for labor management relations affecting employees of the executive branch of the Government. To maintain and improve the rights and benefits now enjoyed by employees and labor organizations. States that Federal employees through labor organizations shall participate in the formulation and implementation of matters which affect working conditions and that collective bargaining rights consistent with the public interest shall be enjoyed by labor organizations. [Sec. 7101]	Participation of employees of the Federal Government through labor organizations of their own choosing in decisions which affect them contributes to the effective conduct of public business. Therefore, labor organizations and collective bargaining in the Federal service are in the public interest. [101(a)]	Statutory protection of the right of employees to organize and bargain collectively safeguards the public interest and contributes to the effective conduct of public business. Labor organizations and collective bargaining in the public interest. Act prescribes rights and obligations of Federal employees and establishes procedures to meet special requirements and needs of the Federal Government. [2(a)]
POLICY			
Employee free right to join or not join labor organizations. Except as noted below right to assist labor	Similar. Elaborates on right to petition Congress by including "right to furnish information to either House of	Employee protected in exercise of right to form, join, assist organizations; with prohibition on discourag-	Similar to HR 13, except agency management prohibited from either encouraging or discouraging member-

organization extends to participation in its management and acting as a representative, including presentation of its views to officials of the Executive branch, the Congress, or other appropriate authority. Head of agency to assure that employees informed of rights and that no interference, restraint, coercion, or discrimination is practiced within agency to encourage or discourage membership in a labor organization. [1(a).]

Congress, or to a committee or member thereof". [7102]

ing membership, but does not prohibit encouraging membership. At request of organization employees required to become members (union shop) or pay equivalent dues (agency shop) as condition of employment. Would permit representation of supervisors and managers with rank-and-file employees. [201(j)(k); 101(b); 701(a)(2).]

ship other than requiring as condition of employment union membership and payment of dues (union shop) or pay equivalent dues (agency shop). Supervisors and managers can be represented together with rank and file employees under certain conditions. [2(a); 5(a)(c); 6(f); (10).]

Right to be an officer or representative, except a supervisor may not participate in the management or representation of a labor organization (other than as expected by sec. 24) nor may an employee where there would be conflict or apparent conflict of interest or incompatibility with law or official duties. [1(b).]

Similar. [7103(b)]

Does not limit supervisors and managers from being involved in management of labor organizations. [101]

Same limitations as noted above.

DEFINITIONS

Agency: an Executive dept., a Govt. corporation, and an independent establishment as defined in section 104 of title 5, USC, except the General Accounting Office. [2(a)]

Similar. Applies to Executive agencies, with certain exclusions. [7103(a)]

Agency means any department, agency, bureau, activity, or organization of the U.S. Government which employs employees as defined in 201(b), referenced below.

Agency means any department, agency bureau, activity, or organization of the U.S. Government which employs person acting as an agent thereof [3(c)]

Comparison of Executive Order 11491, as Amended, to Bills on Federal Labor Management Relations—Continued

Executive Order 11491, as amended by E.O. 11838	H.R. 4800 (Henderson) as revised, Committee Print, November 1975	H.R. 13 (Nix)	H.R. 1837 (Ford)
<p><i>Employee:</i> an employee of an agency and an employee of a nonappropriated fund instrumentality of the U.S. but does not include, for the purpose of exclusive recognition or national consultation rights, a supervisor (except as provided in sec. 24) [2(b)]</p>	<p>Similar. Applies to individuals in an executive agency and includes individuals in nonappropriated fund instrumentalities. Does not include, TVA, Foreign Service, aliens overseas, employees in the Canal Zone, a member of the uniformed services, or a supervisor. [7103(a)]</p>	<p>Definition of employee is broad-brush and expanded to include supervisors and managers, security agency employees, employees in competitive service of legislative and judicial branches, employees in Library of Congress, in Government Printing Office and Federal Reserve System, but excluding US Postal Service. (Also see reference below concerning coverage as contrasted to Order.) [201(b)]</p>	<p>Similar to HR 13, but specifically includes individuals no longer employed relative to an ULP under section 10 of Act, and definitions for manager and supervisor differ. [3(b)(f)(r)]</p>
<p><i>Supervisor:</i> an employee having authority, in the interest of an agency to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of authority is not of a merely routine or clerical nature, but requires the use of independent judgement. [2(c)]</p>	<p>Similar. [7103(a)]</p>	<p>Definition of supervisor in describing authority is similar; however, does not apply to unit determinations where employees have traditionally been included in units or to employees who exercise the authorities without impact on personnel policies and practices. [201(j)]</p>	<p>Supervisor: definition similar to Order, except with respect to firefighters wherein term to include only employees who perform a preponderance of specified acts of authority. [3(f)]</p>

<p><i>Labor Organization:</i> a lawful organization in which employees participate and which exists for the purpose, in whole or in part, of dealings with agencies concerning grievances, personnel policies and practices, or other matters affecting the working conditions of their employees, but does not include organizations which consists of managers or supervisors (except as provided in sec. 24); assists or participates in a strike against the Govt. or imposes a duty or obligation to conduct, assist or participate in such a strike; advocates overthrow of the constitutional form of the Govt.; or discriminates on race, color, creed, sex, age, or national origin. [2(e)]</p>	<p>A lawful organization which deals with a Federal agency concerning conditions of employment. Excludes social, religious, and similar organizations. [7103(a)]</p>	<p>Labor organization: definition similar to 4800 except it means any national or international union, federation, council or department, or any affiliate thereof . . . in which employees participate and pay dues; and which exists for primary purpose of dealing with agencies concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. Does not exclude organization which assists or participates in strike against Government, etc. [201(d)]</p>	<p>Labor organization: definition similar to HR 13, except does not exclude organizations which assist or participate in strikes or related activities prohibited under Order. [3(d)]</p>
<p><i>Agency Management:</i> the agency head and all mgt. officials, supervisors, and other representatives of mgt. having authority to act for the agency on any matters relating to the implementation of the agency LMR program. [2(f)]</p>	<p>Similar. Management official means an employee who formulates, determines, effectively influences, or effectuates policies of an agency, or who, in the performance of his duties, has discretion to modify the established policies of an agency. [7103(a)]</p>	<p>Management official. Employee in position which presents conflict of interest, or potential conflict of interest, between an agency and employees or who formulates, determines, or effectuates agency's policies and who has discretion in performance of his job, with power to modify employer's established policies. [201(k)]</p>	<p>Management official. Similar to HR 13 [3(r)]</p>
<p><i>Council:</i> The Federal Labor Relations Council established by Order [2(g)].</p>	<p><i>Authority:</i> means Federal Labor Relations Authority established under section 7104. [7103(a); 7104]</p>	<p><i>Authority:</i> Means Federal Labor Relations Authority provided in section 301, replacing Council. [201(e)].</p>	<p><i>Board:</i> The Federal Employees Labor Relations Board established by section 4 of Act, replacing Council, and A/S LMR under Order.</p>
<p><i>Panel:</i> The Federal Service Impasses Panel established by Order. [2(h)].</p>	<p>Means the Federal Service Impasses Panel established by sec. 7118(c). [7103(a)]</p>	<p>Duties of Panel assumed by Authority. [301, 401].</p>	<p>No provision.</p>

Comparison of Executive Order 11491, as Amended, to Bills on Federal Labor Management Relations—Continued

Executive Order 11491, as amended by E.O. 11838	H.R. 4800 (Henderson) as revised, Committee Print, November 1975	H.R. 13 (Nix)	H.R. 1837 (Ford)
<i>Assistant Secretary:</i> The Assistant Secretary of Labor for Labor-Management Relations. [2(i)].	Most of duties of A/S LMR performed by Authority established under section 7104.	Most of A/S LMR duties performed by Authority established by section 301.	No provision. Most functions assumed by Board referenced above.
	<i>Person:</i> an individual, labor organization, or agency. [7103(a)]	<i>Person:</i> means one or more individuals, labor organizations, or agencies of the U.S. Government. [201(a)].	<i>Person:</i> Same as HR 13. [3(a)].
	<i>Agreement:</i> an agreement entered into as a result of collective bargaining. [7103(a)]	<i>Agreement:</i> means agreement negotiated through collective bargaining pursuant to provisions of Act. [201(f)].	No definition for agreement.
	<i>Grievance:</i> Encompasses an appeal and a complaint by an employee, labor organization, or an agency concerning matters relating to the employment relationship with an agency, breach of an agreement, or violation or misinterpretation of law, rule, or regulation affecting conditions of employment. [7103(a)]	<i>Grievance:</i> any complaint by employee or labor organization concerning any aspect of employment relationship with agency including any matters formerly subject to final administrative review outside agency under regulations of CSC, or law, complaints related to agreements, and any claimed violation, misinterpretation, or misapplication of any law, rule, or regulations governing conditions of employment. [201(h)]	<i>Grievance:</i> any complaint by an employee or by a labor organization concerning any aspect of the employment relationship with an agency as well as any complaint concerning the effect, interpretation, or claim of breach of a collective-bargaining agreement, and any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation governing conditions of employment. [3(q)]
	<i>Confidential employee:</i> an employee who acts in a confidential capacity to a person who formulates or effectuates (a)]	No provision.	No provision.

Professional: includes any employee whose work—(1) is predominantly intellectual and varied in character; (2) requires the consistent exercise of independent judgment; (3) requires knowledge of an advanced nature in a field of learning customarily acquired by specialized study in an institution of higher education or its equivalent; and (4) is of such character that the output or result accomplished cannot be standardized in relation to a given period of time. [3(g)]

Labor dispute. Similar to HR 13. [3(n)]

Similar to HR 13. [3(p)]

Firefighter: includes any employee engaged in the performance of work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment. [3(i)]

No provision.

Professional employee: (not defined in Order but same definition by Asst. Secretary in case determination): employee engaged in performance of work requiring knowledge of advanced type in field of science or learning customarily acquired in specialized intellectual instruction and study in institution of higher learning . . . requiring consistent exercise of discretion and judgment in its performance . . . predominantly intellectual and varied in character . . . or is performing related work under direction of professional person to qualify himself to become professional employee. [7103(a)]

Dispute: includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of employees in the negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. [201(g)]

Conditions of employment. Definition includes virtually all aspects of employment including pay practices, fringe benefits, work procedures, seniority, union security, travel and per diem. [201(i)]

Conditions of employment. Includes personnel policies, practices and matters affecting work conditions including pay practices, work hours and schedules, overtime practices, safety, grievance and appeal procedures, and other matters. [7103(a)]

Comparison of Executive Order 11491, as Amended, to Bills on Federal Labor Management Relations—Continued

Executive Order 11491, as amended by E.O. 11838	H.R. 4800 (Henderson) as revised, Committee Print, November 1975	H.R. 13 (Nix)	H.R. 1837 (Ford)
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Educational employee: includes any employee of a school system, college or university who—(1) has regular contact with students; (2) participates in the development, implementation, or evaluation of an educational program; or (3) is otherwise involved in the teaching-learning process. [3(j)]

Service: means the Federal Mediation and Conciliation Service established by chapter 29 or title 172, U.S. Code. [3(1)]

Collective Bargaining: Bargaining in good faith between authorized representatives of a labor organization having exclusive recognition and management officials having management responsibility for the appropriate unit:

Collective bargaining. Definition describes mutual obligation of representatives of parties to bargain in good faith in effort to reach agreement. Duty to negotiate extends to matters which are or may be subject of a statute or regulation and if legislative action necessary to implement agreement shall include the obligation of agency to submit such to appropriate governmental body for action. Agency not to make or apply rules or regulations restricting scope of bargaining or which conflict with any negotiated agreement. [3(m)]

Determination of agent: in determining whether any person is acting as an agent of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling. [3(0)]

Exclusive Representative—includes any employee organization which has been (1) selected or designated pursuant to the provisions of section 6 of the Act as the representative of the employees in an appropriate collective bargaining unit; or (2) recognized by an agency prior to the effective date of this Act as the exclusive representative of the employees in an appropriate collective bargaining unit. [3(e)]

APPLICATION

Applies to employees and agencies in executive branch . . . except for FBI, CIA, or agency components having intelligence, investigative, or security functions, including the investigation of employee integrity in performance of duties, when agency head determines order cannot be applied consistent with national security requirements or internal security of the agency. No appeal. Exceptions do not apply to section 22. [3(b)(1), (2), (3), (4)]	Applies to employees and agencies in executive branch as defined above. [7103(a)]	Coverage greatly enlarged to apply to all Federal Departments and agencies, excluding only the Postal Service. It would apply to the FBI, CIA, and other agencies having as primary function intelligence, investigative or security work, or agencies concerned with internal security duties. No exception by agency head based upon national or internal security. [201(b)(c)]	Coverage similar to HR 13. [3(b)(c)]
Agency head may suspend any provision, except non-veteran adverse action appeal right (Section 22), in installations outside U.S. No appeal. [3(c)]	Exemptions by Federal Labor Relations Authority permitted in prescribed situations. [7103(a)]	Exceptions by agency head not provided. [201(b)(c)]. No provision on non-veteran adverse action appeal rights.	No provision.
Employees involved in administering a labor relations law or the order may not be represented by organizations representing other employees subject to such law or order. [3(d)]	Employees administering the Act are excluded. [7111]	No such limitation on representation for employees administering Act. [201(b); 501(d)]	No provision.

Comparison of Executive Order 11491, as Amended, to Title on Federal Labor Management Relations—Continued

ADMINISTRATION

Executive Order 11491, as amended by E.O. 11838

H.R. 4800 (Henderson) as revised, Committee Print, November 1975

H.R. 13 (Nix)

H.R. 1837 (Ford)

Federal Labor Relations Council (FLRC): consisting of CSC Chairman, who is Chairman of FLRC; Secretary of Labor, Director of the Office of Mgt. and Budget, and other officials President may designate.

—to administer order, decide major policy issues, prescribe regulations, report to President, and

—to consider appeals from decisions of Asst. Secretary of Labor, certain negotiability issues, exceptions to arbitration awards, other appropriate matters.

CSC to provide administrative support and services to Council (4)

Establishes a 3-member Federal Labor Relations Authority appointed by the President and confirmed by the Senate for 5-year terms. It shall have the authority to prescribe rules and regulations as well as carry out the purposes of the bill. Includes a General Counsel with the independent authority to investigate and prosecute unfair labor practices. [7104 and 7105]

Creates Federal Labor Relations Authority. Authority to carry out such functions as performed under Order by FLRC, FSIP, and A/SLMR, with enlarged authority and scope, including certification of representative without election. [501 (b) (g)] However, arbitrability and grievability question subject to negotiated grievance procedure. [201 (b); 1101 (e)] Composed of a Chairman and two additional members, full-time, appointed by President with advice and consent of Senate, from a list of ten persons submitted to President by the American Arbitration Association; to report in writing to Congress and to President at close of fiscal year concerning cases, decisions and money disbursed. (Can delegate functions to Executive Director and certain other employees whose determinations stand unless Authority undertakes to grant review within 30 days after request for review filed. Executive Director has final authority concerning alleged ULP violations. To prescribe rules and regulations and appoint necessary staff. Certain restrictions on employment of attorneys, and on review of trial examiner's report. (301, 401)

Creates Federal Employees Relations Board, consisting of five full-time members, appointed by President with consent of Senate. Board to issue rules and regulations necessary to carry out provisions of Act; has subpoena power; decides unit and representation issues [6(b) (c) (d)]; conducts elections where appropriate; rules on showing of interest and recognition without election [6(b)]; determines alleged ULP's including directing back pay and disciplinary actions as necessary, with cease and desist powers relative to violations of Act; and fines and/or imprisonment for interference with Board. Establishes position of General Counsel of Board; appointed by President with consent of Senate; to investigate alleged violations of Act; file and prosecute complaints; intervene before Board in unlawful act proceedings brought under section 11; and to have other powers as Board may prescribe. (4, 6, 10, 11)

<p><i>Federal Service Impasses Panel:</i> consisting of at least 3 member appointed by President. Panel had independent authority but is organizationally located within Council for services and staff assistance. Authorized to take action necessary to settle impasses on substantive issues in negotiations. (5) Parties may agree on techniques to assist in resolving impasses (11a), but arbitration or third-party factfinding with recommendations may not be used except when expressly authorized by panel. (17).</p>	<p>Consists of at least 6 members appointed by the Federal Labor Relations Authority. Authorized to take necessary action to settle impasses on substantive issues in negotiations. [7118]</p>	<p>No provision. Activities performed by Panel under Order assigned to Authority as reflected above.</p>	<p>No provision. Special impasse procedures established under section 7.</p>
<p><i>Assistant Secretary of Labor for Labor-Management Relations:</i></p> <ul style="list-style-type: none"> --decides unit and representation issues. --supervises elections and certifies results. --decides disputes on eligibility for national consultation rights. --decides unfair labor practice complaints and standards of conduct cases. --decides grievability and arbitrability questions under an agreement when requested by parties; and is sole authority on such matters when statutory appeals are at issue. --may require an agency or labor organization to cease and desist from violation of Order and require affirmative action. --may request and use the services and assistance of employees of other agencies. --shall prescribe regulations to administer his functions under Order. --costs not reimbursed. --a member of the Civil Service Commission to perform duties of Assistant Secretary when such matters involve the Department of Labor. <p>(6)</p>	<p>No provision. Activities of A/SLMR under Order assigned to Federal Labor Relations Authority.</p>	<p>No provision. Most activities performed by A/SLMR under Order assigned to Authority.</p>	<p>No provision. Most duties of A/SLMR under Order assumed by Board or Board empowered to issue appropriate regulations effectuating the Act. (4)</p>

Comparison of Executive Order 11491, as Amended, to Bills on Federal Labor Management Relations—Continued

RECOGNITION				
Executive Order 11491, as amended by E.O. 11838	H.R. 4800 (Henderson) as revised, Committee Print, November 1975	H.R. 13 (Nix)	H.R. 1837 (Ford)	
Recognition to be accorded to qualified organizations.	Similar. [7111]	Similar. [501(a)]	Exclusive representation and recognition to be accorded organization designated or selected by majority of employees in appropriate unit. [6(a)]	
New determination of right to exclusive recognition not required in unit or subdivision thereof within 12 months after prior valid election with respect to unit. [7(c)]	Same. [7111(c)]	Similar. [501(f)]	Similar, except majority determination and representation can be determined without election. [6(b) (3) (4) ; 6(d) (iii)]	
Recognition of labor organization does not preclude an employee, regardless of whether he is in a unit of exclusive recognition, from exercising grievance or appeal rights established by law or regulations and from choosing his own representative except when a grievance is covered under a negotiated grievance procedure as provided in section 13. [7(d) (1)]	Employee retains right to select representative in a grievance or appeal action. [7113]	Negotiated grievance procedure is provided for all grievances and complaints. Exclusive representative to represent all employees, but employee can present own grievance, provided that organization has opportunity to be present and to present its views. [502(1) ; 1101(b) (c)]	Similar exclusive representation rights, but scope of bargaining virtually unlimited. [6(a) ; 5(b)]	
Recognition does not preclude or prevent consultation and dealings with religious, social, fraternal, professional organizations, or other lawful organizations not qualified as labor organizations (with certain restrictions). [7(d) (2) (3)]	Similar. [7113]	Similar. [502(2) (3)]	No provision.	

<p><i>National consultation rights</i> accorded based upon criteria established by Council. Right to comment on proposed substantive changes in personnel policies, to suggest changes in personnel policies, to consult in person on such policies, and present views in writing. NCR not accorded for unit covered by national exclusive recognition. Organization may appeal to Assistant Secretary of Labor agency decision not to grant national consultation rights (9)</p>	<p>National Consultation Rights granted per criteria issued by Authority: when labor organization has exclusive recognition below agency level for substantial number of employees of the agency. Not applicable when there is exclusive recognition at agency level. Issues over recognition reviewed by Authority. Right to be informed on proposed changes in conditions of employment and other matters and shall have reasonable time to present its views and to initiate proposals. Proposals shall receive consideration by agency before final action is taken, and agency shall provide written statement of reasons for its actions. [7112]</p>	<p>National Consultation Rights may be granted organization that has exclusive recognition at local level, per criteria issued by Authority. Consultation to permit sufficient time for organization to initiate proposals, present agreement or objection to agency proposals and its reasons. Agency to consider views of organization before action and provide written rationale for its actions. Does not apply when there is national exclusive recognition. (504)</p>	<p>No provision. Exclusive recognition is only form of recognition and national exclusive recognition of agency to supersede all recognitions within unit. [6(h)]</p>
<p><i>Exclusive recognition</i> to be accorded organization selected in secret ballot election by majority of employees except where existing units are consolidated. [10(a)]</p>	<p>Exclusive recognition determined by secret ballot election; or Authority may certify without election if it determines that unfair labor practices by agency prevent free election; or Authority may certify upon its determination that organization represents majority of unit and no other petitions or questions exist over appropriateness of unit. Authority supervises elections, certifies, and hears issues at dispute. Waiving of hearings not prohibited by stipulation for consent election per regulations and rules or decisions of Authority. [7111 (e), (f), (k)]</p>	<p>Exclusive recognition similar to H.R. 10700, except in any election where none of choices on ballot receives majority, but majority of all votes cast for representation, runoff election shall be conducted between two organizations with largest number of votes. National exclusive recognition to supersede all other recognitions. Determinations by Authority not subject to judicial review. [501]</p>	<p>Exclusive recognition obtained either through showing of credible evidence that majority of employees desire representation or through secret ballot election in which majority of ballots cast favor petitioning organization. [6(b) (c) (d) (e) (f)]</p>

Comparison of Executive Order 11491, as Amended, to Bills on Federal Labor Management Relations--Continued

Executive Order 11491, as amended by E.O. 11838

H.R. 4800 (Henderson) as revised, Committee Print, November 1975

H.R. 13 (Nix)

H.R. 1837 (Ford)

Appropriate unit may be established on a plant or installation, craft, function, or other basis which will ensure a clear and identifiable community of interest among the employees and will promote effective dealings and efficiency of agency operations. Also unit shall not include mgt. officials or supervisors (except as provided in section 24), or nonclerical Federal personnel workers, or professionals with nonprofessionals unless professionals vote for inclusion. [10(h)]

Provides that a commodity of interest is the criterion to be used in determining an appropriate unit. Exclusions include nonclerical "personnel workers," confidential employees, and employees engaged in administering the Act. Permits an agency and a labor organization to combine recognized units with or without an election but does not require surrender or recognitions. [7111]

Similar to HR 10700, except sole unit criterion is community of interest; no reference to confidential employees; supervisors not excluded; narrow definition for managerial officials who are to be excluded; and guards are not treated separately. (501)

Appropriate unit may be established on agency, plant, or installation, function, or other basis insuring a clear and identifiable community of interest among employees and will promote effective dealings and efficiency of agency operations as well as insuring employees fullest freedom in exercising rights under Act. Excludes units including managerial employees, both professional and nonprofessional without self determination, and employees engaged in Federal personnel work in other than purely clerical capacity. Permits combining supervisory and nonsupervisory firefighter, educational employees and public safety officers. [6(f)]

Established right of organization to act for and negotiate agreements covering all employees in unit, obligation to represent interests of all employees without discrimination or regard to membership, opportunity to be represented at formal discussions between mgt. and employees or employee representatives concerning grievances, personnel policies and practices, other matters affecting working conditions in unit. [10(e)]

Differs as follows: Organization "entitled to represent and bargain collectively for employees in the unit." Thus, organization not obligated to represent interests of all employees who have a grievance. Employees can represent self under negotiated grievance procedure but organization has right to be present when grievance adjusted.

Exclusive representation rights similar to Order, except scope of representation extends virtually to all matters related to employment. [502:503(a)]

Exclusive representative to represent in collective bargaining "all employees" in such unit for such purpose." Employees may individually or as group present complaints informally to agency, provided exclusive given opportunity to be present at adjustment and to make its views known. Employee cannot be represented by any other labor organization. Right to dues withholding and agency or union shop. Right to be present at discussions between agency and employers or employee representatives concerning grievances, potential grievances, personnel policies and practices, or other matters affecting working conditions of employees in unit; and employer to grant access solely to representatives of exclusive representative. In addition, exclusive

to have access at reasonable times to employee work areas, right to use employer's bulletin boards, mailboxes, and other communication media, subject to reasonable regulation, and right to use employer's facilities at reasonable times for purpose of meetings concerned with exercise of rights under Act, and provided challenging organization denied use and access until timely and lawful challenge. [5(b) (c) ; 6(a)]

AGREEMENTS

<p>Agency and organization representatives shall meet and negotiate in good faith on personnel policies and practices and matters affecting working conditions, subject to applicable laws and regulations, including policies set forth in the Federal Personnel Manual, published agency policies and regulations, a national or other controlling agreement at a higher level in the agency, and the Order. However, negotiations are subject to internal agency regulations only if such regulations have a compelling need and are issued at agency headquarters or at the primary national subdivision level. In the negotiation which can result in the execution of a written agreement, parties may determine appropriate techniques to assist them (consistent with section 17 of Order). [11(a)]</p>	<p>Requires good faith and negotiations between an agency and a labor organization concerning conditions of employment. Establishes laws, policies and regulations, and existing agreements as the parameters within which negotiations occur. Negotiations may not include such matters as mission, budget or organization of an agency ; the number, types or grades of positions or of employees assigned to an organizational unit or tour of duty ; or such other similar matters. [7114]</p>	<p>Similar obligation to bargain in good faith, except scope of bargaining virtually unlimited, not to be restricted by agency regulations. (503, 901)</p>
		<p>Similar rights and responsibilities of organization and agency to bargain in good faith, except bargaining under Act extends to virtually all conditions of employment. See definition of "collective bargaining." [3(m) (p)]</p>

Comparison of Executive Order 11491, as Amended, to Bill on Federal Labor Management Relations—Continued

Executive Order 11491, as amended by E.O. 11838	H.R. 4800 (Henderson) as revised, Committee Print, November 1975	H.R. 13 (Nix)	H.R. 1837 (Ford)
<p>Obligation to consult or negotiate does not include matters with respect to the mission of an agency; its budget; its organization; the number of employees; and the numbers, types, and grades of positions or employees assigned to an organizational unit, work project or tour of duty; the technology of performing its work; or its internal security practices. May negotiate appropriate arrangements for employees adversely affected by impact of realignment of work forces or technological change. [11(b)]</p>	<p>Obligation to negotiate does not include matters enumerated in Executive Order 11491, as amended. [7114(f)]</p>	<p>No reserved rights of management. Scope of bargaining virtually unlimited as noted above. [210(i); 503; 504; 901; 1704(a)]</p>	<p>No provision. See definition of collective bargaining. [3(m) (p)]</p>
<p>Issues as to whether a proposal is not negotiable because contrary to law, regulation, controlling agreement, or the Order are to be resolved in a specified manner—by agreement procedures, by agency head or by Council, depending upon circumstances. [11(c)]</p>	<p>Similar provisions for resolution of negotiability issues by Federal Labor Relations Authority [7114(g)]</p>	<p>No similar provision on negotiability issues. See above.</p>	<p>No provision. See above.</p>
<p>Application of agreement provisions is subject to existing or future laws and the regulations of appropriate authorities, including policies set forth in the Federal Personnel Manual; published agency policies and regulations in existence at the time the agreement was approved; and subsequently published agency policies and regulations required by law or by the regulations of appropriate authorities, or authorized by the terms of a controlling agreement at a higher agency level. [12(a)]</p>	<p>Similar provisions. [7114(c)]</p>	<p>No provision. Bargaining not to be limited by agency regulations. [503(c); 1704(a)]</p>	<p>No provision. Bargaining not limited by agency regulations or law. [3(m) (j)]</p>

<p>Agency management retains right to direct employees; to hire, promote, assign, retain, discipline or lay off; to maintain efficiency; to determine methods, means and personnel for doing the work; to take necessary action in emergency. [12(b)]</p>	<p>Agreement shall not require an employee to become or remain a union member, or to pay money to a union except as he voluntarily authorizes for payment of dues through payroll deductions. [12(c)]</p>	<p>Same areas reserved to management except no reference to efficiency of operations. [7114(f)]</p>	<p>No provision.</p>	<p>No provision.</p>	<p>Employee either becomes member and pays dues, or pays representation fee—agency shop. [5(c)]</p>
	<p>Employees have same freedom of choice. [7115]</p>	<p>Establishes new consultation arrangements as follows: Prior to the issuance of regulations by an agency head, including the Civil Service Commission, the bill requires that labor organizations be consulted in the formulation of policies and regulations. To accomplish this the authority will establish a Labor Management Review Board to discharge this obligation. Agency regulations issued by the head of the agency or the head of a primary national subdivision may only inhibit negotiations on the grounds that a compelling need for such issuance exists. [7114 (d), (e)]</p>	<p>Employee either becomes member and pays dues, or pays representation fee—amounts to union shop or agency shop upon request of organization. [701(2)]</p>		

Comparison of Executive Order 11491, as Amended, to Bills on Federal Labor Management Relations—Continued

Executive Order 11491, as amended by E.O. 11838	H.R. 4800 (Henderson) as revised, Committee Print, November 1975	H.R. 13 (Nix)	H.R. 1837 (Ford)
	<p><i>Labor Management Review Board</i></p> <p>established to consider policies and regulations involving negotiable and other matters under section 7114(d) (1) to be issued by Civil Service Commission or any other agency (other than Department of Defense). Members designated by Authority consisting of a Chairman, 7 mgt. officials, and 7 labor organization representatives. Board to meet and consider proposals not earlier than 15 days, nor later than 30 days, after date on which proposal is transmitted. Recommendation on proposal by majority vote. If 5 members of Board propose change or addition to policy or regulation of Civil Service Commission or any other agency (other than Dept. of Defense) relating to employees of more than one agency it will be considered by Board. Management Board members serve without additional pay, and members representing organizations not entitled to pay from Government. [7114(e)]</p>		

<p><i>Grievance procedures</i> are required in negotiated agreements. Procedure to be applicable only to unit employees, permits parties to determine scope of grievance procedure, and it may not cover other matters for which statutory appeals procedures exist, and shall be the exclusive procedure available to the parties and the employees in the unit for resolving such grievances. Employees may present their own grievances without the intervention of the exclusive representative so long as the adjustment is not inconsistent with the terms of the agreement and the exclusive representative has been given an opportunity to be present at the adjustment. [13(a)]</p>	<p>Each agreement must include procedures providing for a fair, simple, and expeditious processing of employee and labor organization appeals and grievances. Provides that an employee has the right to represent himself, but exclusive representative has right to be present at adjustment if it is not the representative of employee. The process may include arbitration and the right to file exceptions to an arbitral decision with the Authority. In the absence of exceptions, the decision is final and binding and may include back pay. [7122 and 7123]</p>	<p>All agreements to have grievance procedure: sole procedure for unit employees concerning all grievances over agreement or otherwise related to employment; employee can present own grievance if organization has opportunity to be present and present its views. Binding arbitration required, may be invoked by organization, including questions of arbitrability. [101(h) ; 502(1) ; 1101]</p>	<p>Grievance procedures required in agreements for binding arbitration of grievances, including questions of arbitrability; exclusive procedure available to unit employees. Party to agreement aggrieved by second party's failure or refusal to proceed with arbitration under agreement can ask court for summary action directing that arbitration proceed. Arbitrator's decision may be enforced by appropriate court. Other conditions and rights of organization and employee similar to HR 13 as noted above under exclusive recognition. [8; 5(b) ; 6(a)]</p>
<p><i>Arbitration</i> is permitted and is limited to the same matters as is the grievance procedure. Arbitration may be invoked by the agency or an exclusive representative. Either party may file exceptions to an arbitrator's award with the Council, under regulations prescribed by the Council. [13(b)]</p>	<p>The use of arbitration determined by negotiation of agreement. [7122]</p>	<p>Binding arbitration required in grievance procedure. Similar to HR 10700 provision except invoked only by organization, and arbitrator's award appealable to courts. (1101)</p>	<p>Binding arbitration required in grievance procedure, similar to HR 13. (8)</p>

Comparison of Executive Order 11491 as Amended to Bills on Federal Labor Management Relations Committee

Executive Order 11491, as amended by E.O. 11838	H.R. 4800 (Henderson) as revised, Committee Print, November 1975	H.R. 13 (Nix)	H.R. 1837 (Ford)
<p><i>Grievability and Arbitrability issues.</i> A/SLMR shall decide grievability/arbitrability questions concerning applicability of statutory appeal procedures. No restrictions on determination of other questions of grievability/arbitrability. [13(d)]</p>	<p>Grievability and arbitrability issues processed under negotiated procedures. [7122(a)]</p>	<p>Similar to HR 10700. [1101(c) (e)]</p>	<p>Grievability and arbitrability issues processed under negotiated grievance procedure and arbitration. [8(a)]</p>
<p>Agreements must be approved or disapproved by agency head within 45 days. Absent timely action, agreement effective subject to law, the Order and regulations of appropriate authorities. (15)</p>	<p>Arrangements in existing agreements protected under savings clause. (1702)</p> <p>No provision. Existing arrangements subject to negotiation. (1702)</p>	<p>Arrangements in existing agreements protected under savings clause. [12(a)]</p> <p>No provision. Provision in existing agreements protected under savings clause. [12(a)]</p>	
NEGOTIATION DISPUTES AND IMPASSES			
<p>Federal Mediation and Conciliation Service to assist parties in resolving negotiation disputes, subject to its rules. (16)</p>	<p>Same FMCS services and assistance. [7118 (a) and (b)]</p>	<p>Similar provision. [901(a)]</p>	<p>Similar FMCS services and assistance. [7(a)]</p>
<p>If voluntary arrangements, including services of FMCS or other third-party mediation fail to resolve negotiation impasse either party may request the Federal Service Impasses Panel to consider the matter. Panel may, in its discretion and under its rules, consider the impasse; may recommend procedures to the parties for resolution of impasse, or settle the impasse itself. Arbitration or</p>	<p>Similar. Panel to be familiar with Federal Government operations and knowledgeable in labor-management relations. Action of Panel on impasse is final and not subject to further review. Parties may agree to adopt a procedure for binding arbitration of a negotiation impasse. [7118]</p>	<p>Provides for voluntary arrangements including FMCS services. Either party can subsequently request assistance of Authority, but parties may agree to binding arbitration of impasse. Authority to determine appropriate methods and procedures and may determine binding settlement. (901)</p>	<p>If mediation procedures agreed to by parties and FMCS assistance does not resolve impasse, impasse referred to factfinding with advisory recommendations (binding if agreed to by labor organization). If binding, organization prohibited from striking to resolve impasse. (If organization selects advisory factfinding, it may strike under provisions of section 9.) (7)</p>

third-party factfinding with recommendations may be used by parties only when authorized or directed by the Panel. (17)

Strikes. Provides right to strike for the exclusive representative and for employees to participate in strikes arising out of or in connection with labor dispute. Restrictions: Restraining orders or injunctions may be granted on the basis of findings of fact made by the appropriate district court after due notice and hearing that the strike poses a clear and present danger to the public health or safety and it is in the best public interest to prevent. If the exclusive elects binding fact-finding during negotiation disputes they will be prohibited from striking for the purpose of resolving the dispute. Courts may grant restraining orders and injunctions where strikes are conducted in violation of a negotiated agreement provision. [9(a) (b) (c) ; 7(c) (1)]

Standards of Conduct for Labor Organizations require recognized organizations to subscribe and adhere to internal democratic practices, exclude from office persons affiliated with Communist, totalitarian or corrupt influences, prohibit officers and agents from having business or financial conflicts of interest, maintain fiscal integrity, file financial and other reports, provide for bonding of organization officials and employees, meet trusteeship and election standards. Asst. Secretary of Labor prescribes regulations, decides alleged violations. (18)

Similar, except organizations subject to reporting and disclosure requirements applicable in private sector under direction and regulations of Secretary of Labor. [7120 and 7131]

Requires that organizations only adopt governing requirements providing for democratic practices, freedom from financial and business conflicts of interest, and fiscal integrity. No reporting or disclosure requirements, or procedures for deciding alleged violations. (1401)

No provision on standards of conduct for labor organization as in Order. See UPL's below concerning unlawful acts.

Comparison of Executive Order 11491, as Amended, to Bills on Federal Labor Management Relations—Continued

Executive Order 11491, as amended by E.O. 11838	H.R. 4800 (Henderson) as revised, Committee Print, November 1975	H.R. 13 (Nix)	H.R. 1837 (Ford)
<p><i>Unfair labor practices.</i> Agency management shall not interfere with, restrain, or coerce an employee in the exercise of rights; encourage or discourage membership in labor organization; sponsor, control, or otherwise assist a labor organization (except for customary and routine services and facilities under certain conditions); discipline or otherwise discriminate against an employee because he files a complaint or gives testimony under Order; refuse to accord appropriate recognition to a labor organization qualified for such recognition; or refuse to consult, confer, or negotiate with a labor organization as required by Order. [19(a)]. Unresolved complaints filed with Asst. Secretary [19(d)]</p>	<p>Similar. Adds to ULP's for agency: (6) to fall or refuse to cooperate in impasse procedures and impasse decisions as required by this subchapter; or (7) to fail or refuse to comply with any provision of this subchapter [7116]. Complaints filed with Authority. [7117]</p>	<p>Management ULP's similar to H.R. 4800, except not ULP for mgmt. to encourage membership, or to require union or agency shop arrangement as condition of employment. Complaint filed with Authority. [701(a)]</p>	<p>Similar to H.R. 13, except not improper to enforce agency shop arrangement as condition of employment, and ULP to either encourage or discourage membership. Alleged violations filed with Board. [10(a)]</p>
<p>Similar prohibited practices for labor organizations, with additions that organizations may not coerce, discipline, fine, or take other economic sanction against a member as punishment for or to hinder his work performance or productivity; may not condone strike or prohibited picketing activity by failing to take affirmative action to prevent or stop it; may not discriminate in membership because of race, color, creed, sex, age, or national origin; and may not refuse to consult, confer, or negotiate with an agency as required by Order. [19(b)] Organizations to have reasonable and uniform membership standards, and may enforce appro-</p>	<p>Similar. Same additional ULP's as for agency as noted above. [7116]. Complaints filed with Authority. [7117]</p>	<p>Similar to H.R. 4800, except no listing of ULP for calling or participating in strike, slowdown, or picketing against any Federal activity. [701(b)]</p>	<p>Similar to H.R. 13, except strikes are legal under stated conditions. Alleged violations filed with Board. [10(b)]</p>

<p>appropriate discipline of membership. [19(c)] Unresolved complaints filed with Asst. Secretary. [19(d)]</p>	<p>Only issues in an unfair labor practice which can be raised in appeals procedure may not be raised as an unfair labor practice. Issues which can be raised under a grievance procedure may be processed through either grievance or unfair labor practice, but not through both procedures. Appeals or grievance decisions are not considered unfair labor practice decisions and are not precedent for unfair labor practice decisions. Unresolved complaints filed with Asst. Secretary. [19(d)]</p>	<p>Issues which can be raised under a grievance or appeal procedure may be raised under those procedures or under section 7117. [7116]</p>	<p>No provision.</p>	<p>No provision.</p>
<p>The General Counsel investigates charges and issues complaints concerned with unfair labor practices and prosecutes such complaints before the Authority. Authority can order cease and desist from ULP or take other affirmative action including reinstatement of employees (back-pay may be required of agency or labor organization), and require periodic reports. Exceptions to proposed report by Authority may be filed and Authority to grant review if it believes exception raises substantial issue of fact or law. [7117]</p>	<p>Similar to H.R. 4800 except Authority may order agency to discipline supervisor or official of agency upon determination of arbitrary, capricious or otherwise knowing violation of Act. (801)</p>	<p><i>Prevention of unlawful acts.</i> Similar H.R. 4800. Board empowered to prevent any person from engaging in unlawful acts under section 10. Board may direct back pay, disciplinary action against management representatives, and may petition courts to seek enforcement of its orders. Judicial review of Board decisions authorized. Provides detailed procedures on prevention of ULP's. (11)</p>	<p>Establishes independent category of ULP's for any person. [701(c)]</p>	

Comparison of Executive Order 11491, as Amended, to Bills on Federal Labor Management Relations--Continued

Executive Order 11491, as amended by E.O. 11838	H.R. 4800 (Henderson) as revised, Committee Print, November 1975	H.R. 13 (Nixon)	H.R. 1837 (Ford)
<p><i>Judicial review.</i>—A person aggrieved by a final order of the Authority involving an unfair labor practice or the award of an arbitrator may seek judicial review. The Authority may seek enforcement of its orders in the United States District Courts. District Courts may also be requested to issue a temporary restraining order in limited circumstances. [7124]</p>	<p>For unfair labor practices the power of the Authority and the proceedings governing said power with respect to petitioning for injunctions, modifying findings or orders prior to filing a record in court, petitioning a court for enforcement of an order and reviewing of a judgment, and the right of any person to obtain review of a final order of the Authority on petition to court, the limitations on court jurisdiction and the expeditious processing of hearings shall be the same as provided for in section 160(d), (f), (g), (h), (i), and (j) of title 29, United States Code. [801(e)]</p> <p>Similar.</p>	<p>An arbitrator's decision and award may be judicially reviewed and enforced in accordance with the provisions of title 9, U.S.C. [1101(e)]</p>	<p>Where a party to an agreement is aggrieved by the failure, neglect, or refusal of the other party to proceed to arbitration pursuant to the procedure provided therefor in an agreement, such aggrieved party may file a complaint in the appropriate court for a summary action without jury seeking an order directing that the arbitration proceed pursuant to the procedures provided therefor in the agreement. Unless arbitral award is deficient the award is final and binding and may be enforced by the appropriate district court [8]</p>

Similar.

Maximum fine of \$5,000 and/or imprisonment of 1 year, of persons interfering with Authority and officials or an arbitrator in performance of duties under Act. [1501]

A restraining order or temporary or permanent injunction may be granted in a case involving a strike by an exclusive representative arising out of or in connection with a labor dispute, only on the basis of findings of fact made by the appropriate district court of the United States after due notice and hearing prior to the issuance of such restraining order or injunction. [9(b)]

MISCELLANEOUS PROVISIONS

Use of official time. Solicitation of union membership, dues, and internal union business must be during non-duty hours. Negotiations by an employee representing a labor organization shall not be on official time *unless* the parties agree to other arrangements which may provide for official time for employees for up to 40 hours or one-half the time spent in negotiations during regular working time. Number of employees authorized official time "normally shall not exceed number of management representatives." (20)

Internal business of labor organization during nonduty hours of employees concerned. However, negotiations by employees representing organization, including attendance at impasse settlement proceedings, to be on official time when they would otherwise be in a duty status. Employees on such authorized official time shall not exceed the number of persons representing agency. Additionally, Authority to determine if employees participating for, or on behalf of, organization in any phase of proceedings before Authority to receive official time for such purposes during regular working hours. (7182)

Mandates full official time for employees called by either party to participate in any phase of proceedings, or representing organization in negotiations, grievance or impasse procedures, without limit on number of employees. (1201)

Similar to H.R. 13.

Comparison of Executive Order 11491, as Amended, to Bills on Federal Labor Management Relations—Continued

Executive Order 11491, as amended by E.O. 11838	H.R. 4800 (Henderson) as revised, Committee Print, November 1975	H.R. 13 (Nix)	H.R. 1837 (Ford)
<p><i>Allotment of dues.</i> Authorizes voluntary dues allotments by organization's members in unit of exclusive recognition pursuant to negotiated agreement. Allotments subject to CSC regulations. Employee can revoke authorization as stated six-month intervals [21(a)]</p>	<p>Similar, except allotments at no cost to organization or employee, with exceptions assignment irrevocable for one year. (7115)</p>	<p>Requires agencies to withhold dues and initiation fees at no charge. Assignments irrevocable for one year or until expiration of agreement, whichever occurs later. (801)</p>	<p>Similar to H.R. 13, no reference to cost. Requires agencies to withhold from nonmembers, as a condition of continued employment, amount equal to dues, fees, and assessments that a member is charged: Authorization not revocable for one year. [5(b)(2), (c)]</p>
<p><i>Adverse action appeals.</i> All employees in competitive civil service have same rights in adverse action cases as preference eligibles under section 14, Veterans' Preference Act. Right of appeal to Civil Service Commission. CSC decision binding upon agencies. (22)</p>	<p>Extends to nonveterans in the competitive service the same adverse action and appeal rights now held by preference eligibles. [7121]</p>	<p>No provision.</p>	<p>No provision.</p>
<p><i>Agency implementation.</i> Agencies to issue policies and regulations for implementation of Order, after consultation with appropriate organizations. (23)</p>	<p><i>Back pay:</i> Provides that corrective action includes matters arising out of unfair labor practices or grievances. Includes as an entitlement interest on lost remuneration, attorney's fees, and litigation expenses. Recrediting of annual leave in excess of maximum leave accumulation is permitted. [Sec. 3]</p>	<p>No provision.</p>	<p>No provision.</p>
	<p>Similar. [7137(b)]</p>		

<p><i>Savings clauses.</i> Order does not preclude—(1) renewal or continuation of a lawful agreement between an agency and representative of its employees entered into before the effective date of E.O. 10988 (1/17/62); or (2) renewal, continuation, or initial according of recognition for units of mgmt. officials or supervisors represented by labor organizations which historically or traditionally represent mgmt. officials or supervisors in private industry and which hold exclusive recognition for units of such officials or supervisors in any agency on the date of Order.</p> <p>(24)</p>	<p>Similar. Savings clause expanded to specifically protect exclusive recognition and certifications of representation entered into before effective date of Act. Continues policies, regulation, and procedures established under Executive orders in effect on effective date of Act, until revised or revoked by President, or unless superseded by specific provisions of this Act or regulations issued pursuant to Act.</p> <p>[7137]</p>	<p>Savings clause. Rights and responsibilities under exclusive recognition or national consultation rights granted pursuant to E.O. 10988 and E.O. 11491, as amended, or any agreement thereunder except as may be agreed to by parties thereto, or until modified or superseded by an agreement made pursuant to Act. (1702)</p>	<p>Savings clause continues agreements prior to Act. [12(a)]</p>
<p><i>Guidance, training, review and information.</i> Civil Service Commission, in conjunction with the Office of Management and Budget, shall establish and maintain a program of policy guidance to agencies on labor-mgmt. relations and periodically review implementation of these policies. CSC provides technical advice and information, and training assistance to agencies; reviews operation of program to assist in assuring adherence to its provisions and merit system requirements; and, from time to time, reports to Council on state of the program and recommends improvements. [25(a)]</p>	<p>Continues under continuity provision until superseded by order of President or regulations issued pursuant to Act.</p> <p>[7137]</p>	<p>No provision.</p>	<p>No provision.</p>

Comparison of Executive Order 11491, as Amended, to Bills on Federal Labor Management Relations—Continued

Executive Order 11491, as amended by E.O. 11888	H.R. 4800 (Henderson) as revised, Committee Print, November 1975	H.R. 13 (Nix)	H.R. 1837 (Ford)
Department of Labor and Civil Service Commission to collect and disseminate program information to agencies, organizations and the public [25(b)]	Authority to maintain file of its proceedings and publish texts of its decisions and actions of panel under section 7118 and publish full texts of all arbitration decisions involving employees or agency. Civil Service Commission, for guidance and information of any interested person, to maintain file of copies of all available and applicable agreements. All files maintained relative to such services open to inspection and reproduction subject to section 552 of title 5 USC. [7134]	Similar to H.R. 4800, except Bureau of Labor Statistics to maintain files and data and publish information to interested parties—files open to inspection under conditions prescribed by Secretary of Labor. (1301)	No provision.
<i>Effective date.</i> Order effective 1/1/70, (issued 10/29/69). (26)	The first day of the first calendar month beginning more than 30 days after the date of the enactment of this Act.	Effective date of Act not mentioned.	Effective one hundred and twenty days following enactment. (13)
Funding. Authorizes appropriation of sums to carry out functions and purposes of Act. [7135]	Funding provision similar to H.R. 4800. (1601)	Funding provision similar to H.R. 4800. (1601)	Funding provision similar to H.R. 4800. (1601)
Supersede. Provides for superseding of regulations, Executive orders and rules noted above under savings clause. Nothing contained in this chapter shall supersede the provisions of existing laws which establish and regulate a merit or civil service system, or modify the functions or responsibilities of the Comptroller General. [7137(c)]	Specifies that <i>Administrative Procedure Act</i> applicable to rules, regulation or adjudication provided by authority or FMCS in carrying out Act. (1701)	Provides that Act supersede all previous statutes and Executive orders concerning subject matter under Act. 4800. (1601)	Supersedes laws or parts of laws which are inconsistent with provisions of Act. [12(b)]

Severability. Standard severability clause on any clause on any provision of Act. [sec. 8]	Standard severability clause on any provision of Act. [1704(a)]	Standard severability clause on any provision of Act. [12(c)]
	Violations, enforcement, and suits. Maximum fine of \$5,000 and/or imprisonment of one year, of persons interfering with Authority and officials or an arbitrator in performance of duties under Act. (1501)	Similar to HR 13. [11(m)(7)]

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